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NSC Should Remain the President's Arm

By CONSTANTINE C. MENGES

The controversy about the Iranian arms sales and the diversion of some of the proceeds to the Nicaraguan contras has placed a spotlight on the president's National Security Council. Several in Congress have suggested there should be new laws to regulate the NSC staff's activities and perhaps make the job of director confirmable by Congress. But an understanding of what the proper relationship between the president and the NSC should be makes clear that this straitjacket approach would be a mistake.

Congress established the NSC in 1947 because it concluded that foreign policy was no longer just the sum of diplomacy and international economic relations. The U.S. also had to help rebuild democracy, encourage economic revival and help friendly countries defend themselves from a new form of indirect warfare—Soviet-supported subversive aggression.

The National Security Council exists to help the president by assuring him of the simultaneous, candid advice of its members: the vice president, the secretaries of state, defense and treasury, the attorney general, the director of the Central Intelligence Agency, and the chairman of the Joint Chiefs of Staff. The Constitution provides that the president is the chief executive in both domestic and foreign policy. That means the president listens to the viewpoints of his cabinet but that he makes the final decision.

What does this imply about the intrinsic responsibilities of the NSC director and his staff?

First, NSC employees must assure that the president makes all the key decisions in foreign policy and that the president knows the views of all key foreign-policy advisers. This means that neither the State Department nor any other group can unilaterally undertake a new policy initiative without a decision by the president. Every bureaucracy, to some degree, has its own agenda, so the NSC helps assure the American people that the person they elect will in fact actually govern rather than merely preside in foreign policy.

Second, the NSC staff must monitor implementation of presidential decisions. Unless there is some regular and predictable way for the president to follow up on decisions, many will be forgotten or carried out with too little vigor. Every president has learned that there can be a large gap between his decisions and real action.

Third, the NSC staff should inform the president of major foreign-policy opportunities or threats that may not have been noticed by the various foreign-policy agen-

cies. Here the staff functions as the eyes and ears of the president to listen to concerns and suggestions from Congress, civic leaders, experts and scholars that may not get attention from the implementing bureaucracies, such as the State Department. When the NSC director judges that new actions might be needed, he should request the foreign-policy agencies to provide their analysis and recommendations to the president at a future NSC meeting. In 1983, the Strategic Defense Initiative came about from this type of process.

Fourth, the NSC staff must help the president coordinate the political, economic and security aspects of foreign policy. This is done in many ways: by briefing the president on all these aspects in written background and decision memoranda; in preparing the president for meetings with foreign leaders; in working closely with the press spokesman and the presidential speech writers to assure that all White House statements on foreign policy are consistent with presidential decisions; and, when requested, providing briefings to members of Congress, the media and civic and foreign leaders.

What do these tasks imply about congressional oversight of the NSC? Clearly, since the NSC staff is working directly for the president, its advice to him should be treated with the same degree of confidentiality as that of other elements of the White House staff. Congress can and does exercise oversight in foreign policy through its power to confirm members of the cabinet, its control of funds and its other powers. All contemporary presidents have used their constitutional authority in foreign policy to designate particular individuals or organizations to carry out missions deemed highly sensitive—the diplomatic aspect of the Iran action is not a departure from these precedents (e.g., Gen. George Marshall's missions for President Truman in pre-communist China, and Henry Kissinger's diplomacy with the Vietnamese, Soviets and Chinese). But, with only rare exceptions, the NSC staff should not have any responsibility to implement policy.

The NSC staff must include a combination of foreign-policy experts and experienced individuals from all three career services: foreign service, military, and intelligence organizations. Last April, Rep. Dan Burton (R., Ind.) and 30 other congressmen wrote Vice Adm. John Poindexter, then director of the NSC, of their concern that all the senior NSC staff members handling specific geographic regions were career government employees—mostly from the State Department. The letter said: "We believe it essential that a President of either party have at the senior

levels of the NSC staff competent foreign policy experts who share the President's political values and are independent of career bureaucracies."

The case for NSC staff leadership mainly resting with foreign-policy experts brought in by each president is that three of the four NSC staff responsibilities will inevitably involve some degree of friction with the foreign-policy bureaucracies. While the individuals from those career bureaucracies work hard and do their best to be independent of the organizations to which they will return in a short time, it is simply not realistic to expect the same degree of fresh vision or concern for the president's authority from most career employees—who, by law, must be apolitical. Mr. Poindexter's reply to the letter illustrated this by saying that State, CIA and military employees on the NSC staff have "full freedom of expression—often exercised to the degree of putting their careers at risk."

It is generally agreed that presidential control of the military requires that civilians and not military officers make up the senior staff aiding the Secretary of Defense. This implies no questioning of the loyalty or skills of military personnel—it is simply a matter of common sense. Likewise, it is reasonable to expect that genuine presidential control of foreign policy requires independent civilians in the senior positions at the NSC staff.

When the American people elect a president they expect that man or woman will be in charge of foreign policy, and can be held accountable for his or her performance. No other department or cabinet officer can substitute for the role of the NSC staff, not even the Secretary of State. The State Department is one of several organizations implementing foreign policy and frequently has strong disagreements with other institutions. For example, it often clashes with the Defense Department on strategic arms control issues and with the Treasury and Commerce Departments on international economic issues.

Therefore, every president needs to have an NSC staff that includes competent foreign-policy experts who share his political values and who will insure that he is in charge of foreign policy.

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